

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-36 are presently pending. In the event that the restriction requirement is maintained, claims 26-35 are effectively withdrawn herein.

Election/Restriction with traverse

[0004] The claims are subjected to a restriction/election requirement under 35 U.S.C. §121 as allegedly containing two patentably distinct groups of the claimed invention. The office states that the groups are as follows:

- I. Claims 1-25 and 36, are drawn to a method and system for receiving and storing non-contiguous portions of a media file, as classified in class 709, subclass 200.
- II. Claims 26-35, are drawn to a data structure comprising segments of a media file in memory pages, as classified in class 707, subclass 102.

[0005] Applicant hereby elects—with traverse—to prosecute Group I (claims 1-25 and 36) in the event that the restriction/election requirement as set forth above is maintained.

[0006] Applicant respectfully traverses the restriction requirement, and herein submits that inventions in Groups I and II are not distinct from each other, because both inventions include the feature, i.e., storage of “the plurality of temporally non-contiguous portions.” Applicant further submits that separating the feature “receiving” from the feature “storing” and merely claiming the “separate utility,” i.e., receiving media streams, as

indicated in the Restriction Requirement, deviates from spirit and purpose of the instant Application.

[0007] Independent claim 1 recites:

A method comprising:

receiving a plurality of temporally non-contiguous portions of a streaming media file, at least a first and a second of the non-contiguous portions being encoded at different bit rates; and

storing the plurality of temporally non-contiguous portions in a single cache file.”

[0008] Independent claim 26 recites:

26. A computer-readable medium having stored thereon a data structure, comprising:

a plurality of data pages including data representing a plurality of temporally non-contiguous portions of a streaming media file received from a streaming media source, at least two of the temporally non-contiguous portions being encoded at different bit rates.

[0009] A majority of dependent claims of claim 1 are directed or related to the step of “storing.” For example, claim 4 (“wherein the cache file is stored in non-volatile memory”), claim 5 (“wherein the act of storing comprises”), claim 6 (“wherein the act of storing comprises”) all recite features in connection with the step of “storing.” In addition, a majority of claims in Group I are directed or related to step of “storing” and “caching module.”

[0010] In particular, independent claim 21 recites:

21. A computer-readable medium having computer-executable instructions for performing acts comprising:

storing at a client a plurality of temporally non-contiguous portions of a streaming media file received from a streaming media source in a cache file,

each of the plurality of temporally non-contiguous portions being encoded at a different bit rate.

[0011] Accordingly, Applicant respectfully traverses the restriction requirement, which divides pending claims 1-36 into Groups I and II based on alleged separated utility, e.g., “receiving media streams in a system without using header pages,” in Group I. Applicant submits that the step of “storing,” as recited in independent claims 1 and 21, is a critical step and is recited in a majority of claims in Group I. In other words, the feature “storing” in Group I, i.e., the step of “storing” and “caching module”, will be examined regardless of whether the Applicant elects Group I or Group II.

[0012] Thus, Applicant respectfully requests the restriction requirement be withdrawn.

Formal Request for an Interview

[0013] If the Office’s reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned Agent for the Applicant—so that we can talk about this matter so as to resolve any outstanding issue quickly and efficiently over the phone.

[0014] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Conclusion

[0015] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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Representatives for Applicant

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